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MONTANA THIRD JUDICIAL DISTRICT COURT  
DEER LODGE COUNTY

KASEY MARJAMAA

Plaintiff,

v.

LINCARE INC.,

Defendant.

Cause No. DV-18-11

COMPLAINT AND DEMAND  
FOR JURY TRIAL

COMES NOW KASEY MARJAMAA, by and through her attorney of Everett Law, PLLC, and for her causes of action against the defendant, for which she demands a jury trial, claims and alleges as follows:

I

For all times material herein, Plaintiff KASEY MARJAMAA has been and still is a resident of the City of Anaconda, County of Deer Lodge, State of Montana.

II

For all times material herein, Defendant LINCARE INC., has been and is now a Foreign Corporation, incorporated in Delaware and doing business in the state of Montana.

III

Defendant, LINCARE INC., terminated Plaintiff KASEY MARJAMAA on September 12, 2017, for the pretextual reason of: 1) "Insubordination, e.g., willful disobedience of instructions properly issued by your supervisor," and 2) "willful or habitual disregard for Company safety rules or security."

**COUNT I  
WRONGFUL DISCHARGE FROM EMPLOYMENT**

**IV**

Plaintiff realleges the allegations in Paragraphs I-III of this complaint.

**V**

Plaintiff had been working for defendant for approximately five years prior to being terminated.

**VI**

Plaintiff had completed defendant's probationary period.

**VII**

Plaintiff was not terminated for good cause.

**VIII**

Defendant violated the express provisions of its own written personnel policy.

**COUNT II  
WAGE PROTECTION**

**IX**

Plaintiff KASEY MARJAMAA realleges the allegations in Paragraphs I-VIII of this complaint.

**X**

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After terminating plaintiff, defendant withheld earned vacation time from the plaintiff's final paycheck and has never compensated her for her earned vacation time.

**XI**

Plaintiff did not agree to the withholding and did not sign anything saying she agreed to the withholding.

**XII**

Defendant has failed to pay plaintiff's wages earned in accordance with Mont. Code Ann. § 39-3-204 (2017).

**XIII**

The penalty for violating § 39-3-204 is a misdemeanor and a penalty must be assessed against and paid by defendant to the plaintiff in an amount not to exceed 110% of the wages due and unpaid.

WHEREFORE, Plaintiff KASEY MARJAMAA prays judgment against defendant as follows:

1. For the damage caused to Plaintiff KASEY MARJAMAA as a result of her wrongful discharge from employment;
  2. For four years lost wages from the date of discharge;
  3. For interest on the lost wages and fringe benefits;
  4. For wages due and vacation earned;
  5. For attorney fees and costs;
  6. For 110% penalty in accordance with Mont. Code Ann. § 39-3-206; and
  7. For such other and further relief as the court deems just and proper.
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DATED THIS 9<sup>th</sup> DAY OF JANUARY, 2018.

EVERETT LAW, PLLC

BY: 

ADAM COOK  
Attorney for plaintiff